



ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SAN FRANCISCO OPERATIONS OFFICE

1333 BROADWAY

OAKLAND, CALIFORNIA 94612

SEP 12 1977

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

After reading your last letter, it seems to me that several points need to be cleared up with regard to your request for information and records.

We are sorry that a copy of 10 CFR Section 709.1 was not attached to our prior letter. A copy is enclosed with this letter.

As you know, the FOI Act applies only to actually existing government records in the possession of or under the control of ERDA according to ERDA contracts. As a result of his interest and work on the Kennedy assassination, Dr. Alvarez received many irate letters and in turn corresponded privately with many assassination buffs. This correspondence is not in possession of the government, is not considered to be government property, and is not under control of this agency according to any contract. They are, therefore, not available under the FOI Act. Our sentence "... all existing material that could be located which are available for release ..." was intended to show that other private documents of Dr. Alvarez's existed over which we have no control; and therefore could not be furnished to you.

As we noted earlier, while financial plans (written documentation) spell out agreed-upon general areas of Laboratory research, Laboratory scientists do have freedom within these areas to conduct research they believe desirable.

Since research activity is not planned in specific detail in advance, authorizing documentation is non-existent. Such is the case of Dr. Alvarez. Verbal approval was granted by the Laboratory Director, Dr. Sessler, for the work to be performed and the results published using contract resources.

Mr. Harold Weisberg

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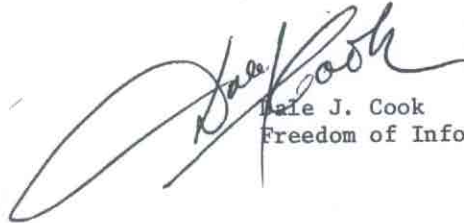
Dr. Alvarez's activities were not specified or identified in Contract 48 which, as I mentioned earlier, is the contract with the University of California to perform research and operate the Lawrence Berkeley Laboratory. In this instance, there is no specific contract or grant with Dr. Alvarez himself or with the Laboratory for the performance by him of a specific or proposed program of research and development as might be the case if ERDA were to obtain his services through a special research support agreement or grant.

We appreciate your interest and we have furnished you with copies of all existing records within our government control.

You have assumed Dr. Alvarez's work was political and in turn asked that ERDA defend or prove it authorized him to do such work. A discussion as to whether or not his work was political and the extent to which ERDA could or would have supported his work is not an item that can be furnished as a record within the FOI Act.

We sincerely hope the above explanation provides the answers to the points you raised.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale J. Cook", is written over the typed name and title.

Dale J. Cook
Freedom of Information Officer